

IN THE
ARIZONA COURT OF APPEALS
DIVISION TWO

IN RE M.H.

No. 2 CA-JV 2016-0101
Filed September 29, 2016

THIS DECISION DOES NOT CREATE LEGAL PRECEDENT AND
MAY NOT BE CITED EXCEPT AS AUTHORIZED BY APPLICABLE RULES.

NOT FOR PUBLICATION

See Ariz. R. Sup. Ct. 111(c)(1); Ariz. R. Civ. App. P. 28(a)(1), (f);
Ariz. R. P. Juv. Ct. 103(G).

Appeal from the Superior Court in Pima County
No. JV20439101
The Honorable Jane Butler, Judge Pro Tempore

AFFIRMED

COUNSEL

Steven R. Sonenberg, Pima County Public Defender
By Susan C. L. Kelly, Assistant Public Defender, Tucson
Counsel for Minor

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MEMORANDUM DECISION

Presiding Judge Howard authored the decision of the Court, in which Judge Espinosa and Judge Staring concurred.

H O W A R D, Presiding Judge:

¶1 Sixteen-year-old M.H. appeals from the juvenile court's May 9, 2016 order placing him on twelve months' juvenile intensive probation and requiring him to "complete the Sycamore Canyon Academy program." Counsel has filed a brief in compliance with *Anders v. California*, 386 U.S. 738 (1967), and *In re Maricopa Cty. Juv. Action No. JV-117258*, 163 Ariz. 484, 486-87, 788 P.2d 1235, 1237-38 (App. 1989), stating she has reviewed the record and that, based on that review, "[t]he only arguable issue which appears to exist in this delinquency appeal" is whether the juvenile court abused its discretion in ordering M.H. into "out-of-home placement at Sycamore Canyon Academy." She asks this court to review the record for fundamental error.

¶2 We find no reversible error. M.H. was adjudicated delinquent on multiple counts in April and May 2015 and placed on juvenile intensive probation. He was again adjudicated delinquent in early 2016 and was returned to probation. In April, M.H. admitted he had violated the terms of his probation when he "violated GPS monitoring with unauthorized leave," "violated house arrest," and "failed to charge his GPS unit" as required. The record supports the juvenile court's findings that M.H.'s admission was knowing, voluntary, and intelligent and that he provided an adequate factual basis to support that admission.

¶3 The record also establishes the court appropriately exercised its discretion in placing M.H. on probation and ordering him to attend Sycamore Canyon Academy. See A.R.S. §§ 8-341(A)(1)(d), (B), 8-341.01; see also *In re Niky R.*, 203 Ariz. 387, ¶ 21, 55 P.3d 81, 86 (App. 2002) (when not explicitly stated, we presume

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juvenile court implicitly made findings necessary to justify disposition order); *In re John G.*, 191 Ariz. 205, ¶ 8, 953 P.2d 1258, 1260 (App. 1998) (“We will not disturb a juvenile court’s disposition order absent an abuse of discretion.”).

¶4 Pursuant to our obligation under *Anders*, we have reviewed the record in its entirety and have found no fundamental or reversible error. Accordingly, the juvenile court’s order finding M.H. had violated his probation and placing him on a term of probation, as well as in Sycamore Canyon Academy, is affirmed.